

FINAL BILL REPORT

SSB 6306

C 259 L 08

Synopsis as Enacted

Brief Description: Providing an additional procedure for visitation rights for relatives of dependent children.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Rockefeller, Fairley, Kline and Shin).

Senate Committee on Human Services & Corrections
House Committee on Early Learning & Children's Services

Background: The juvenile court in a dependency matter has the authority to order visitation between the parent and the child, the child and siblings, and the child and step-siblings. Visitation is the right of the family, including the child and the parent, when visitation is in the best interests of the child.

Summary: A dependent child's relative may petition the juvenile court in a dependency matter for reasonable visitation with the child if the following exists:

- The child has been found dependent under RCW 13.34 or through voluntary relinquishment under the adoption statutes.
- The parental rights of both of the child's parents have been terminated.
- The child is in the custody of DSHS or another public or private agency.
- The child has not been adopted and is not in a pre-adoptive home or other permanent placement at the time the petition is filed.

The term relative does not include the child's parent.

The court may grant the petition if it finds the above factors have been met, that unsupervised visits between the child and the relative do not present a risk to the child's safety or well-being, and the visitation is in the best interest of the child. In determining the best interest of the child, the court must consider at least the following:

- the love, affection, and strength of the relationship between the child and the relative;
- the length and quality of the prior relationship between the child and the relative;
- any criminal convictions for or founded abuse history by the relative of a child;
- whether the visitation will present a risk to the child's health, welfare, or safety;
- the child's reasonable preference; and
- any other factor relevant to the child's best interest.

The court may modify the visitation order at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order must state that it will terminate upon the child's placement in a pre-adoptive home or if a subsequent abuse or neglect allegation is found against the relative.

This petition process is not intended to impair or alter any authority a court currently has to order visitation in a dependency matter.

Votes on Final Passage:

Senate	47	0
House	94	0

Effective: June 12, 2008